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NOTICE OF ALLOWANCE AND FEE(S) DUE

44538 7590 06/03/2009

DANIEL S. POLLEY, P.A.
1215 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FL 33301

EXAMINER

CHAMPAGNE, DONALD

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 06/03/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/825,269

04/03/2001

Renee Frengut

1017.8003

2080

TITLE OF INVENTION: METHOD FOR PROVIDING CUSTOMIZED USER INTERFACE AND TARGETED MARKETING FORUM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

44538 7590 06/03/2009

DANIEL S. POLLEY, P.A.
1215 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FL 33301

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,269	04/03/2001	Renee Frengut	1017.8003	2080

TITLE OF INVENTION: METHOD FOR PROVIDING CUSTOMIZED USER INTERFACE AND TARGETED MARKETING FORUM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHAMPAGNE, DONALD	3688	705-014000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,269	04/03/2001	Renee Frengut	1017.8003	2080
44538	7590	06/03/2009	EXAMINER	
DANIEL S. POLLEY, P.A. 1215 EAST BROWARD BOULEVARD FORT LAUDERDALE, FL 33301			CHAMPAGNE, DONALD	
			ART UNIT	PAPER NUMBER
			3688	
DATE MAILED: 06/03/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1106 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1106 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	09/825,269	FRENGUT ET AL.	
	Examiner	Art Unit	
	Donald L. Champagne	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision mailed 2 Feb 2009 and proposed examiner's amendment emailed 4 April 2009.

2. ☐ The allowed claim(s) is/are 2-5,13-15,18,20-26,28 and 29.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/Donald L. Champagne/
Primary Examiner, Art Unit 3688

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. With one correction, the following examiner's amendment was sent to the examiner by Daniel Polley, Esq., as an email message attachment on 8 April 2009.
3. For the record, it is noted that applicant created the new independent claims 13 and 14 by incorporating former independent claim 12 into each of the former claims 13 and 14, with a few deletions that do not bear on patentability.
4. Correction of the proposed examiner's amendment - The proposed examiner's amendment did contain a grammatical error that was corrected as follows: at line 7 in each claim 13 and 14 below, the examiner has changed "are aware" to "is aware". In addition to being a grammatical error, "are aware" does not appear in the claims of record (i.e., line 15 of claim 12, on p. 18 of the brief filed 6 September 2007).
5. The examiner's amendment is as follows. Cancel claims 1, 6-12, 16, 17, 19, 27 and 30.
Amend claims 2-5, 13-15, 18, 20-26, 28 and 29 as follows:

~~CLAIM 1 (cancelled)~~

CLAIM 2 (currently amended) The method of claim 13, further comprising the step of excluding from the interface any ads associated with an ad profile not matching the user profile.

CLAIM 3 (currently amended) The method of claim 13, wherein the user profile for each user is created from and solely based on information knowingly provided by each user.

CLAIM 4 (currently amended) The method of claim 13, further comprising the step of including in the interface ads that are related to one or more favorite category of products or services specified in the information provided by the user to create his or her user profile.

CLAIM 5 (currently amended) The method of claim 13, wherein the user profile defines a list of one or more advertisers, the method further comprising the step of including in the interface only those ads that are associated with the advertisers listed in the user profile.

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~~CLAIMS 6-12 (cancelled)~~

CLAIM 13 (Currently Amended) ~~The method of claim 12,~~ A method for generating a customized interface, comprising the steps of:

associating in a computer one or more ads with each ad having a respective ad profiles;

associating in a computer one or more user profiles with each user profile created from information inputted by a corresponding user and transmitted to the computer, wherein each user personally assists in the creation of his or her user profile by knowingly inputting the information and is aware that the information will be used to create a customized interface for each user profile,

determining matching ad profiles by comparing the ad profiles with user profiles for matches;

selectively including in the interface of a user at least one of the one or more ads associated with the ad profiles matching a user profile created from the information provided by the user; and

formatting the interface in accordance with the user profile;

wherein the user profile defines an amount of space on the interface, the method further comprising the step of formatting the interface such that the one or more ads included in the interface are restricted to the amount of space defined in the user profile.

CLAIM 14 (currently amended) ~~The method of claim 12,~~ A method for generating a customized interface, comprising the steps of:

associating in a computer one or more ads with each ad having a respective ad profiles;

associating in a computer one or more user profiles with each user profile created from information inputted by a corresponding user and transmitted to the computer, wherein each user personally assists in the creation of his or her user profile by knowingly inputting the information and is aware that the information will be used to create a customized interface for each user profile,

determining matching ad profiles by comparing the ad profiles with user profiles for matches;

selectively including in the interface of a user at least one of the one or more ads associated with the ad profiles matching a user profile created from the information provided by the user; and

formatting the interface in accordance with the user profile;

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wherein the user profile defines an percentage of space on the interface, the method further comprising the step of formatting the interface such that the one or more ads included in the interface occupy no more space than the percentage defined in the user profile.

CLAIM 15 (currently amended) The method of claim 13 42, wherein the user profile defines a framework, the method further comprising the step of formatting the interface in accordance with the framework defined in the user profile.

~~CLAIMS 16-17 (cancelled)~~

CLAIM 18 (currently amended) The method of claim 13 46, further comprising the step of generating the interface in real time.

~~CLAIM 19 (cancelled)~~

CLAIM 20 (currently amended) The method of claim 13 46, further comprising the step of storing statistical data determined according to the user's activity at the interface.

CLAIM 21 (previously presented) The method of claim 20, further comprising the step of charging an advertiser of the ads having a matching profile in accordance with the statistical data.

CLAIM 22 (currently amended) The method of claim 13 46, further comprising the step of charging an advertiser of the ads having a matching profile in accordance with the matches.

CLAIM 23 (previously presented) The method of claim 22, wherein the charging step comprises charging the advertiser in accordance with the number of users having matching user profiles.

CLAIM 24 (previously presented) The method of claim 23, wherein the charging step comprises charging the advertiser as a function of amount of space available for presenting the ad to the users.

CLAIM 25 (previously presented) The method of claim 24, wherein the charging step comprises charging the advertiser according to the number of users to whom the ad was sent.

CLAIM 26 (previously presented) The method of claim 25, wherein the charging step comprises charging the advertiser an amount determined according to a function of when the user receives the ad.

~~CLAIM 27 (cancelled)~~

CLAIM 28 (currently amended) The method of claim 13 27, wherein the ad profile contains information about a targeted audience for the ad.

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CLAIM 29 (currently amended) The method of claim 13 ~~27~~, further comprising the step of including the ad in the interface on condition that the user profile is consistent with the targeted audience and the inclusion of the ad is consistent with the user profile.

~~CLAIM 30 (cancelled)~~

Allowable Subject Matter

6. Claims 2-5, 13-15, 18, 20-26, 28 and 29 as amended above are allowed by decision of the Board of Patent Appeals and Interferences mailed 2 February 2009.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached on Monday to Wednesday and Friday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.
9. The examiner's supervisor, James W. Myhre, can be reached on 571-272-6722. The fax phone number for all *formal* fax communications is 571-273-8300.

31 June 2009

/Donald L. Champagne/
Primary Examiner, Art Unit 3688